

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

S.J. KRIER,

Plaintiff,

v.

STATE OF WASHINGTON; COUNTY OF
SNOHOMISH; and CITY OF EVERETT,

Defendants.

NO. 3:21-cv-05331-BHS

RAND NOTICE

Defendant City of Everett ("City"), concurrent with its dispositive motion, gives the following notice:

A Defendant in your case has filed a motion to dismiss under Federal Rule of Civil Procedure 12 or a motion for summary judgment under Federal Rule of Civil Procedure 56. If the motion is granted, some or all of your claims will be dismissed, and there will be no trial or evidentiary hearing on those claims. This notice is given because the Ninth Circuit Court of Appeals requires that pro se litigants be given fair notice of the requirements of summary judgment

RAND NOTICE - 1
(Case No. 3:21-cv-05331)

CHRISTIE LAW GROUP, PLLC
2100 WESTLAKE AVENUE N., SUITE 206
SEATTLE, WA 98109
206-957-9669

1 and dispositive motion rules. *See Woods v. Carey*, 684 F.3d 934, 941 (9th Cir. 2012); *Rand v.*
2 *Rowland*, 154 F.3d 952, 963 (9th Cir. 1998).

3 **Rule 12 Motions.**

4 In a Rule 12 motion, the Defendant generally relies on only what is stated in the complaint
5 to assert entitlement to dismissal of the complaint. You can file and served a response opposing
6 such a motion by the Monday before the noting date listed in the caption of the motion, or within
7 such other time period set by the Court. Local Rule 7(d)(3). Thereafter, the Defendant will be
8 entitled to file a reply by the noting date listed in the caption of the motion.

9 If either party submits other evidence with a motion to dismiss or with a response to the
10 motion, then the Court may treat the motion to dismiss as a motion for summary judgment. See
11 Federal Rule of Civil Procedure 12(b). If the Defendant has submitted evidence in support of a
12 motion to dismiss and the Court intends to treat it as a motion for summary judgment, the Court
13 will give you notice of its intent and of the need for you to meet the requirements of Rule 56 set
14 forth below, rather than Rule 12, to oppose such a motion.

15 Except for motions for summary judgment, if a party fails to file papers in opposition to a
16 motion, such failure may be considered by the court as an admission that the motion has merit. See
17 LCR 7(b)(2).

18 **Rule 56 Motions.**

19 When the Defendant has filed a Rule 56 motion for summary judgment or a Rule 12 motion
20 to dismiss that will be treated as one filed under Rule 56, you must file a response opposing the
21 motion by the Monday before the noting date listed in the caption of the motion, or within such

1 other time period set by the Court. Rule 56 tells you what you must do in order to oppose a motion
2 for summary judgment. A motion for summary judgment under Rule 56 of the Federal Rules of
3 Civil Procedure will, if granted, end your case.

4 Generally, summary judgment must be granted when there is no genuine issue of material
5 fact – that is, if there is no real dispute about any fact that would affect the result of your case, the
6 party who asked for summary judgment is entitled to judgment as a matter of law, which will end
7 your case. When a party you are suing makes a motion for summary judgment that is properly
8 supported by declarations (or other sworn testimony), you cannot simply rely on what your
9 complaint says. Instead, you must set out specific facts in declarations, depositions, answers to
10 interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts
11 shown in the defendant’s declarations and documents and show that there is a genuine issue of
12 material fact for trial. If you do not submit your own evidence in opposition, summary judgment,
13 if appropriate, may be entered against you. If summary judgment is granted, your case will be
14 dismissed and there will be no trial.

15 Pursuant to the local rules, your response must consist of: (1) a brief opposing the motion,
16 not to exceed 24 pages in length, and (2) evidence supporting your claims, such as admissions
17 from the other party, affidavits, declarations, deposition transcripts, or answers to interrogatories
18 that contradict or oppose the moving party’s motion and support your claims. See Federal Rule of
19 Civil Procedure 56; Local Rules 7(b)-7(e). Any affidavits or declarations submitted must be signed
20 under penalty of perjury. Thereafter, the Defendant/Respondent will be entitled to file a reply by
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1 the noting date listed in the caption of the motion. You are not entitled to file anything further in
2 response.

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4 DATED this 19th day of May, 2021.

5 CHRISTIE LAW GROUP, PLLC

6 By /s/ Ann E. Trivett
7 ANN E. TRIVETT, WSBA #39228
8 NATASHA R. KHANNA, WSBA #52870
9 Attorneys for Defendant City of Everett
10 2100 Westlake Avenue N., Suite 206
11 Seattle, WA 98109
12 Phone: 206-957-9669
13 Email: ann@christielawgroup.com
14 Email: natasha@christielawgroup.com
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19
20
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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

S.J. Krier
718 Griffin Avenue, Suite 67
Enumclaw, WA 98022
Phone: 971-800-1083
Email: KrierSJ@gmail.com
Pro Se

Scott A. Marlow, WSBA #25987
WASHINGTON STATE ATTORNEY GENERAL'S OFFICE
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
Phone: 206-389-2047
Email: scott.marlow@atg.wa.gov
Attorney for Defendant State of Washington

Kelsey L. O'Neal, WSBA #51430
SNOHOMISH COUNTY PROSECUTING ATTORNEY'S OFFICE
3000 Rockefeller Avenue
Everett, WA 98201-4046
Phone: 425-262-2041, Ext. 2041
Email: koneal@snoco.org
Attorney for Defendant Snohomish County

CHRISTIE LAW GROUP, PLLC

By /s/ Ann E. Trivett
Ann E. Trivett, WSBA #39228
2100 Westlake Avenue N., Suite 206
Seattle, WA 98109
Phone: 206-957-9669
Email: ann@christielawgroup.com
Attorney for Defendant City of Everett